

SPEECH

OF

HON. JAMES L. PUGH, OF ALABAMA;

ON THE

ELECTION OF SPEAKER.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 11, 1860.

The organization of the House being under consideration, Mr. PUGH said:

Mr. CLERK: It was not my intention to address the House upon any question involved in its organization, but, as the whole field of politics has been thrown open, I feel that I owe it to my constituents to join in the discussion; and, in doing so, shall address myself to three propositions. 1. The present condition of public opinion as to the real character of our Federal system; 2. The basis and motive of that opinion; and 3. The remedy for the evils which have impaired the integrity of the Government, and now threaten the subversion of the Constitution. Preliminary to the argument, I will say it is my solemn conviction that no amount of effort, however well directed and praiseworthy, can ever rescue the Constitution from the perils which surround it, or restore the Government to its original purity, and perpetuate it in that form.

The elements entering into our political combination are so complicated and discordant that human infirmity will never allow them to coexist in safety and harmony. No man who deals justly with himself can close his eyes to the antagonism, organic and vital, apparent in every motion of our Federal machinery. True, we hear daily professions of fidelity to the Constitution. From the remotest stand-points of difference we hear loud disclaimers of all purpose hostile to the South and her State institutions. And yet, who fails to see here, at this very hour, that our constitutional machinery is stationary, because the two sections North and South are endeavoring to move it in opposite directions? Who so ignorant as to have escaped the fact that the Constitution, by difference of construction in the two sections, is made to establish governments wholly unlike in character and powers, with rights and guarantees recognized in one which are denied and repudiated in the other.

The northern theory is, that the Constitution of the United States is the offspring of the numerical power of the whole people, regarded as one political community. This radical error is the source of many others equally mischievous. That there is personal responsibility for every right, privilege, and institution, recognized or tolerated in our political system; and, if wrong in morals or politics, duty demands individual and associated action to rectify or destroy. Also, that individual allegiance to the State is merged in the general mass of allegiance to the central Government. Also, that the powers of Congress were not delegated but surrendered, abandoned, by the States, and consolidated in

the supreme head. Hence, that the Government is not Federal, but national; and that parties, patriotism, and allegiance are national. Also, that the people of every State and section are homogeneous, with harmonious interests and pursuits; and, if homogeneous with harmonious interests and pursuits, it is claimed that the power of ultimate decision, sovereignty, resides with the general mass. Also, that the popular will of this general mass should preside over the action of the Government, and determine what is the general welfare, and what powers exist to promote it. Such is the political philosophy of those who strike down State sovereignty and State rights, and whose aim is the abolition of slavery, and the establishment of northern supremacy.

In opposition to this theory, the South contends that the Constitution is the result of the concurrent action of the people of each State by virtue of their sovereignty and independence; that it passed the ordeal of nine State conventions, each of which had absolute, unrestrained jurisdiction over the question of its adoption or rejection, and the consequent life or death of the Constitution. The Constitution is the offspring of thirteen concurrent sovereignties. Its distinctive characteristics and main excellence consists in the checking power of minorities. The concurrence of separate, independent majorities in producing results is the predicate of the whole system of checks and balances, and imparts to the Republic all its elasticity and power of expansion. We find analogies to support this system in the productions and laws of nature. In the vegetable kingdom, each tree and flower exert their power of absorption upon surrounding nutriment and moisture, and those not occupying a proper relation to neighboring vegetation droop and die. In the solar system we have a sublime exhibition of counter action producing uninterrupted harmony. Wherever we discover elements or animals in combination, nature has provided the means of preventing conflict or resisting encroachments.

In *theory*, every interest of the people finds a representative in some one of the Departments of Government, and the concurrence of that representative is required in all legislation affecting that interest. So that in case there is conflict, protection is expected from the checking power of the representative. As all legislation must have the sanction of the several majorities entering into the law-making power, it was thought that no one interest could be fostered to the prejudice of another, but that all would receive equal benefit and protection. This indemnity against encroachment proceeds from the right of making choice of agents existing in a majority of those of like interest. Similarity of interest is the source, and the ballot-box the channel of the power which was intended to afford security to the citizen, county, State, and section.

The Federal arrangement did not result in the creation of a separate Government with independent being and powers, but only in the readjustment of the organism which had proved imperfect under the old Articles of Confederation.

It will be conceded that the Federal Government has no powers incident to its own being. Its powers are not inherent, self-existing, but are derived, delegated, not for its own purposes, but in trust for the benefit of the States. Hence, the true relation between the States and the Federal Government is that of principal and agent, the two being coördinate when possessing like powers, and each supreme in the rightful use of the powers not possessed by the other in their relation. The distinction is between the constitution-making power and the law-making power. The one possesses original, inherent life itself. The other is a mere custodian of power, a creature with a borrowed existence. The former creates; the latter exercises power. The one is always principal in that it creates; the other coördinate, and in some cases supreme, in the mere exercise of power. Sovereignty resides exclusively in the constitution-making power. Its essence consists solely in the fact that there can be no limitation upon its exercise. Sovereignty is the "unrestrained supreme power of ultimate decision." And it is impossible for such a power to coexist in two branches of the same

organism. Under our system, sovereignty cannot reside in any law-making power, for the reason that the law-making power is derived, delegated, and sovereignty is necessarily a unit, inherent and indivisible. Any agent or creature may exercise sovereign power; but the delegation of the power does not carry that which alone preserves the relation of principal and agent; neither can it destroy the power of revocation in the principal.

Sovereignty and allegiance are inseparable. The constitution-making power is entitled to the unlimited allegiance of the citizen; and the law-making power, rightfully exercised, is entitled to the obedience of the citizen.

The whole argument comes to this: That the essence of our entire system of Government is embraced in the just and equitable idea that it is a compact among coequal sovereigns for the mutual benefit of all. It is founded in trust and confidence. Honesty of action, uprightness of purpose, justice and good faith, are as necessary to its being as food, light, and air are indispensable to animal existence.

These are the hostile governments which the two sections are endeavoring to administer and perpetuate under one Constitution.

The framers of our Government encountered the greatest trouble in the adjustment of the delegated and reserved powers. Some feared that the Federal Government, by unauthorized construction, would so enlarge and consolidate its powers as to overshadow the several State governments—ultimately usurp all the reserved powers, and build up an oppressive centralism. Others thought the Federal Government would be too weak to protect itself against the absorption of its powers by the States. That the States united against it in any claim of power, would always defeat its exercise. And in case there was conflict between the two it was thought the States would sustain each other, and thus in the end strip the Government of its powers, or so cripple their exercise as to reduce it to a mere skeleton. Although such fears were reasonable, yet experience has taught us that the greatest danger is to be apprehended from a different combination. There is no conflict between the Federal Government and the States united in vindication of their sovereignty and reserved rights. The scramble is between the States themselves to get possession of the Federal Government, to establish and enforce the respective theories I have indicated as obtaining in the two sections. If the majority section demands legislation to promote its interests and purposes, its representatives arrive at the power by construction, and in this way State sovereignty and reserved right are united with delegated and assumed powers to accomplish a common purpose, and they go hand in hand in the work of usurpation and aggression.

A brief examination into the practical workings of these two hostile systems must satisfy every honest man, capable of self-government, that northern theories and policy have had steady, vigorous development from the beginning; while southern rights and equality, southern institutions and civilization have been subjected to the most exhausting pressure, and compelled to encounter insult and wrong trying to the most Christian forbearance.

The northern section of the Confederacy is composed of carrying, manufacturing, commercial, and provision States. Their people are fond of dominion, full of enterprise, possessed of great mechanical genius, remarkable for cunning, self-confidence and esteem, watchful of little things, devoted to traffic, and endowed with wonderful tenacity of purpose.

The great value of this Government to these people is to legalize monopoly, regulate stocks and currency, open commercial highways, encourage a liberal system of bounty legislation at the expense of their confederates, and exercise general supervision over their plantation States at the South; reforming the moral, social, and political evils encouraged by their southern tenantry.

These people are all the time clamorous for Government aid in their business and pursuits. The carrying States must enjoy a monopoly in coastwise naviga-

tion ; and it is secured by legislation, which has drained the South for over forty years. The manufacturing States want protection against foreign rivals, and it is granted through the revenue policy of the Government. High duties are imposed on importations for the specific purpose of excluding the foreign rival from our markets, thereby compelling the southern people to buy at increased prices at home, or forcing them to pay the duty if bought abroad and imported. In this way, it is a well ascertained fact that the exporting or southern States pay about three-fourths of the expenses of the Government, and the northern States pay one-fourth, while, in the disbursement of this revenue, the South gets one-fourth, and the North three-fourths.

The West demands a Pacific railroad ; her rivers and harbors must be improved, and the Federal Treasury furnishes the material aid. The South derives no benefit whatever from any of this legislation ; and yet she is powerless to prevent the continuance of this ruinous system of drainage. The East favors river and harbor bills for the West to exhaust the revenue, so as to create a necessity for higher tariffs.

For the same reason homestead bills are supported. They cut off the public lands as a source of supply to the Federal revenue, and increase the dependence upon tariffs. To enable this section to engraft its theories and policy upon the Constitution, and thereby insure its foul domination over the South, political power becomes the paramount object of patriotic desire. They resort to all forms of agitation. They appeal to the worst passions of the masses—the instincts of self-preservation, and self-aggrandizement, love of gain, jealousy of rivals in all relations—these, and every other sense or passion, however morbid or vicious, likely to influence human action, are cultivated and made useful in the great struggle for political supremacy. But the great element of party power, the vitalizing, controlling principle in northern politics, the test in Christian faith and fellowship, the passport to universal favor and position, is opposition to African slavery at the South.

Mr. Clerk, I shall offer no argument or apology in support of this institution. The subject has been fully discussed in all its ramifications, and I will simply remark that the system of negro servitude at the South is a blessing in every conceivable sense, inestimable to both races, and it can and will survive every ordeal except the friction, drainage, and pressure of the Federal Union. No wonder the Black Republican cry is, "the Federal Union, it must and shall be preserved." No wonder this proclamation is reëchoed by the Union meetings at the North. The Union is the coil of the anaconda to the institution of slavery. Gentlemen may talk to me about rolling back the tide of abolition sentiment at the North. They may assure me that the Black Republican phalanx is broken. They may tell me to listen to the thunder-tramp of millions marching to the rescue of the Constitution. But I beg my countrymen not to be deceived. This promise of a healthy reaction at the North has been rung in our ears for a quarter of a century. We have been often assured that abolition power had culminated ; that the Union was too valuable to the North for her people to encourage any scheme that would imperil its existence, that the true policy of the South was conciliation, moderation, and conservatism. We have believed, trusted to leaders, and relied on parties. These failing, we have threatened and submitted—then resolved resistance, and submitted again. We have tried threats, remonstrance, compromises, exhausted the virtue of psalm-singing to the Union, its sacredness, its glories, its prestige ; and I inquire of the Union sentinels, "Watchmen, what of the night?" The response is, "Rather dark to see clearly ; somewhat threatening at the North ; but we have great confidence that these appearances indicate that the morn, with its bright sunlight, will soon dawn upon the country." But what are the facts? The Abolition organization has increased with amazing rapidity, become more intolerant, bolder in the announcement of its purposes, more daring in their execu-

tion; and yet it has marched straight forward, "conquering and to conquer," until to-day it is triumphant in sixteen States. It has one hundred and twelve members upon this floor; and with that unity of action and steadiness of purpose which have always characterized them, they demand possession and control of the popular branch of this Government.

This being the present *status* of the Black Republican party in the Union, what are its future purposes and policy in reference to slavery? Honorable members on the other side of the House complain that their party principles and purposes are misrepresented. They admit the fugitive slave law has been violated in some instances, and the right of recapture publicly denied and resisted. They admit that war upon slavery in the States is justified and declared by some. It is not denied that Brown and Helper have indorsers of all their wicked purposes. But say they, the party is not responsible for such doctrine and excesses. These individual members of the party, it is contended, are under the lead of Garrison, Phillips, and Giddings, misguided and imprudent men, who are not true exponents of the party creed. I have no doubt that Garrison, Phillips, Giddings, and their followers, fully understand that the ultimate aims of the dominant party harmonize with their wishes.

But, waiving the inquiry whether these complaints are well-founded, I will try this party by principles and purposes which none of its representatives can disown and survive.

Is there a man of you, Representative or voter, who is not opposed to the extension of slavery into the Territories? Are you not in favor of its exclusion from territory where soil, climate and productions invite the institution and would make it profitable? Are you in favor of the continued existence of slavery in the District of Columbia? Are you in favor of wiping from northern statutes all legislation offensive and embarrassing to the right of recapture? And will you publicly condemn resistance to the fugitive slave law, and advise acquiescence in its execution? These are plain questions, and I apprehend there can be no dispute about the answers. Then, upon what ground do you justify your action? It is upon the sole ground that slavery is a great social, moral, and political wrong. Now, why is it that you do not extend your war upon slavery into the States? In the abstract you are an enemy of the institution wherever it exists. Then, the only reason why you stop at State lines, is the want of constitutional power to strike down the institution in the States. And I call attention to the fact that the "irrepressible-conflict" doctrine was inaugurated for the purpose of supplying the want of constitutional authority in Congress to abolish slavery in the States. How do I prove it? The gravament of Mr. SEWARD's Rochester speech is, that white and black labor are in irreconcilable conflict, and that one or the other is bound to be supplanted. No sane man can be serious in maintaining the proposition that slavery will, or can be, reëstablished in New England. Then, what was the real design in announcing the irrepressible conflict? It was to reach the non-slaveholder of the South. He was the white labor to be disaffected. He must be indoctrinated with the idea that his labor and the labor of the slave are in ruinous conflict; that one or the other system of labor must go down and pass away, giving to the other system exclusive employment.

In this connection you also discover the purposes of the Helper book. Some of its indorsers say they do not approve anything in that publication intended to produce insurrection, or in any way to set the slave upon his master. But I ask those members if their object was not to convince the non-slaveholder at the South that his condition as a white laborer would be vastly improved by the absence of slavery from the States? Do you not sanction everything in that book which depreciates slave labor when contrasted with white labor? That teaches white labor that it is more productive and profitable where there is no slave labor? That teaches the white laborer that his association with Af-

icans is degrading and demoralizing? And when you attempt to reëducate him, is it not your hope that you will lay the predicate for an anti-slavery organization in the southern States, which will ultimately strike down slavery there by changing the State constitutions? And if this is not your object, are you not aiming to prepare the non-slaveholder at the South to sanction an alteration of the Federal Constitution when you are ready for such action?

The South, then, is to have no more expansion; but, surrounded by hostile confederates, she is doomed to the perpetual annoyance, insult, and ruinous pressure of the irrepressible conflict, attended by robbery, Brown raids, periodical insurrection, and the utter banishment of all domestic peace and tranquility from her borders?

Then, where is the safety of the South? Is it in national party organizations? I am free to confess that no party with principles coextensive with the Union of these States will ever be formed hereafter embodying more fidelity to the constitutional rights and equality of the South than the Democratic party. But while that party is geographically national in principle and purpose, yet it is sectional in ability and power. At the North it is broken into fragments. There is no unity in reference to the true character of our Government. There is disagreement as to the powers of Congress upon vital issues. The Democracy of the South is invited to coöperate with the Democracy of the North upon condition that both sections are permitted to occupy conflicting positions on territorial rights and policy. We have been struggling for fifteen years to find a satisfactory and permanent solution of territorial government. The South has insisted that when the Federal Government acquires and goes into possession of territory, she holds it in trust for the joint and equal benefit of the people of each State who conferred the power to acquire. That the Government is a mere naked trustee, uncoupled with an interest, and the people of the States the sole beneficiaries. That the object of the acquisition was to make new States; and that, in training and qualifying others for admission into the partnership, the rights and relative position of each member of the firm should be consulted and respected. That, as a just, unavoidable, logical sequence, the people of each State have the right to be placed on terms of perfect equality in the occupancy of the territory, and its preparation for the attributes, dignity, and power of a sovereign. That when that condition is reached by the Territory, the States, through their agent, Congress, consent that the people of the Territory may meet in convention to frame a government for themselves. That when so organized, the sovereignty of the people of the States devolves upon the convention, and perfects its constitution-making power; the only limitation upon which is, that the State constitution shall be republican in form. That it would be a gross breach of trust, and a violation of the fundamental principles of the compact, for Congress, or its sub-agent, a Territorial Legislature, to pass any law which divests or impairs the equal right of joint occupancy. And that the duty is inseparable from the power of the trustee so to hold the trust property as that all the beneficiaries shall have full, free, and healthy enjoyment of the common property. That if, by non-action or positive legislation, Congress or the Territorial Legislature exposes property in slaves to any hazard or embarrassment, to that extent the right of joint emigration and occupancy of the slaveholder is impaired, and the Constitution violated. These just, equitable, and constitutional demands of the South were denied by all the Black Republicans, and the power and duty claimed in Congress to exclude the slaveholder by positive law.

A large portion of the northern Democracy, headed by a great and powerful leader, deny the right of joint occupancy of the Territory with slave property against the will of a majority of the inhabitants, as expressed through their Territorial Legislature. At the instance of Mr. DOUGLAS, the question of the power of Congress to legislate slavery into or out of a State or Territory was

wholly withdrawn from Congress, and referred to the people of the Territory to decide for themselves, precisely in the mode, time, and manner they had the authority to do under the Constitution; and what power, and how much, a Territorial Legislature has, was submitted to the Supreme Court of the United States. That august tribunal has rendered a decision which, according to southern construction, covers all the issues, and recognizes every right and principle for which the South has ever contended. And is it not a just ground of complaint that the very man who proposed this mode of settling this vexed question should be among the first to join issue with the South on the import and meaning of that decision, and to suggest to her enemies in the Territories that, by non-action or unfriendly legislation, they may destroy the benefit to the South of any decision of the Supreme Court. All we now ask is, that the award of the arbitrator, well defined and understood, shall be incorporated into the platform of the parties to the reference—the northern and southern Democracy—and made the basis of the future government of the Territories. Is the South so dispirited, humbled, and worn by the struggle as to demand or accept less? Shall we, in deference to the anti-slavery sentiment of the North, yield or ignore vital principles, and consent that the Democratic party shall go before the country upon a platform which amalgamates hostile elements, opinions, and principles? Is a victory obtained by double-dealing and bad faith worth anything?

I know it is insisted that these are dead issues—lifeless abstractions, because there is no territory suited to southern institutions. For the same reason, the power of Congress to prohibit slavery—or the Wilmot proviso—is, and has been, without practical importance or vitality. And well do I remember the volume of condemnation which was poured upon the Whig party in 1852 for *ignoring* Congressional power over slavery in the same Territories now possessed by the Government. If the Charleston convention follows this example of hiding out great principles which are assailed, or invites us to the support of any man who denies the southern construction of the Cincinnati platform and the Dred Scott decision, then the southern Democracy will stultify themselves, and fatally impair the integrity of their party organization by giving him support. If, with the character of the Government well defined, and the rights and privileges of the parties to the compact clearly asserted by the Democratic party, the Black Republicans get possession of the Government, then the question is fully presented, whether the southern States will remain in the Union, as subject and degraded colonies, or will they withdraw, and establish a southern confederacy of coequal homogeneous sovereigns?

In my judgment, the latter is the only course compatible with the honor, equality, and safety of the South; and the sooner it is known and acted upon the better for all parties to the compact.

There is no value in the checking power of minorities, when selfishness, bad faith, and reckless construction break over constitutional limitations and guarantees.

The truest conservatism and wisest statesmanship demand a speedy termination of all association with such confederates, and the formation of another union of States, homogeneous in population, institutions, interests, and pursuits. Such a confederacy would be imperishable, and present to the world a contented, happy, prosperous, powerful people in the enjoyment of the highest perfection of civilization and free government.